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UNITED STATES OF AMERICA.



S P E E C H

OF

RICHARD H. DANA, JR.,

AT A MEETING OF CITIZENS HELD IN

FANEUIL HALL, JUNE 21, 1865,

TO CONSIDER THE SUBJECT OF

RE-ORGANIZATION OF THE REBEL STATES.

Mr. President,—It was hoped by those who have summoned us together this morning, that a voice might go out from Faneuil Hall, to which the people of the United States would listen, as in times past.

We deprecate, especially, anything like political agitation of the questions before us; but a calm consideration of them by the people, is a duty and a necessity. For, Mr. President and fellow-citizens, the questions pressing upon this country are the most vast and momentous that have ever presented themselves for solution by a free people.

We wish to know, I suppose, first, What are our powers. That is the first question—what are our just powers? Second—What ought we to do? Third—How ought we to do it? With your leave, I propose to attempt an answer to these three questions.

What are our just powers? Well, my friends, that depends upon the answer to one question—Have we been at war, or have we not? In what have we been engaged for the last four years?—has it been a war, or has it been something else and other than war? I take it upon myself to assert, that we have been in a condition of public and perfect war. It has been no mere suppression, by municipal powers, of an insurrection for the redress of grievances. It has been a perfect public war. The government has a right to exercise, at its discretion, every belligerent power. [Applause.] We are not bound to exercise them; the enemy can not compel us to do it; but, at our discretion, we may exercise every belligerent power. Do you doubt it? Does any man doubt it? [Voices—“No.”]

I will tell you why you must not doubt it. In the first place, the Supreme Court of the United States has, by an unanimous decision, held that we are in a public war, and that the government can exercise every belligerent power. The court differed as to the time when we entered upon such a war, and whether recognition of war by Congress was necessary, but that we came to a war at last, was their unanimous decision. The Prize Courts, like the Temple of Janus, are closed in peace, and open only in war. The Prize Courts have been thrown open, and every prize that has been condemned in this country has been condemned upon the principle of a public war. Congress gave us no rules for municipal condemnation, but left the Prize Courts to the rules which govern public international war. We have condemned the prizes upon the same rules, and no other, than those by which we condemned them in the war with Great Britain in 1812. This course of the Prize Courts has been sustained by the Supreme Court, acted upon by

the Executive, and recognized by Congress. The statutes, too, have called it a war, in terms. The soldiers that are enlisted—what are they enlisted for? Why, they are enlisted “for the war,” are they not? How is it at this moment? Is not the Executive holding those States by military occupation? Are we not holding them in the grasp of war? You cannot justify the great acts of our government for the last three years upon any other principle than the existence of war. You look in vain in the municipal rules of a constitution, to find authority for what we are doing now. You might as well look into the Constitution to find rules for sinking the Alabama in the British Channel,—to find rules for taking Richmond. You might as well look there to find rules for lighting General Grant’s cigar. [Laughter.] No; we stand upon the ground of war, and we exercise the powers of war.

Now, my fellow-citizens, what are those powers and rights? What is a war? War is not an attempt to kill, to destroy; but it is *coercion for a purpose*. When a nation goes into war, she does it to secure an end, and the war does not cease until the end is secured. A boxing match, a trial of strength or skill, is over when one party stops. A war is over, when its purpose is secured. It is a fatal mistake to hold that this war is over, because the fighting has ceased. [Applause.] This war is not over. We are in the attitude and in the *status of war* today. There is the solution of this question. Why, suppose a man has attacked your life, my friend, in the highway, at night, armed, and after a death-struggle, you get him down—what then? When he says he has done fighting, are you obliged to release him? Can you not hold him, until you have got some security against his weapons? [Applause.] Can you not hold him until you have searched him, and taken his weapons from him? Are you obliged to let him up to begin a new fight for your life? The same principle governs war between nations. When one nation has conquered another, in a war, the victorious nation does not retreat from the country and give up possession of it, because the fighting has ceased. No; it holds the conquered enemy in the grasp of war until it has secured whatever it has a right to require. [Applause.] I put that proposition fearlessly—*The conquering party may hold the other in the grasp of war, until it has secured whatever it has a right to require.*

But, what have we a right to require? We have no right to require our conquered foe to adopt all our notions, our opinions, our systems, however much we may be attached to them, however good we may think

them; but we have a right to require whatever the public safety and public faith make necessary. [Applause.] That is the proposition. Then, we come to this:—*We have a right to hold the rebels in the grasp of war until we have obtained whatever the public safety and the public faith require.* [Applause and cries of "good."] Is not that a solid foundation to stand upon? Will it not bear examination? and are we not upon it today?

I take up my next question. We have settled what our just powers are. Need I ask an audience, in Faneuil Hall, what it is that the public safety and the public faith demand? Is there a man here who doubts? In the progress of this war, we found it necessary to proclaim the emancipation of every slave. [Applause.] On the first day of January, 1863, Abraham Lincoln, of blessed memory, declared the emancipation of every slave. It was a military act, not a civil act. Military acts depend upon military power, and the measure of military power is the length of the military arm. That proclamation of the first of January did not emancipate the slaves, but the military arm emancipated them, as it was stretched forth and made bare. [Applause.] District after district, region after region, State after State, have been brought within the grasp of the military arm, until at last, today, the whole rebel territory lies within and beneath the military arm. [Loud applause.] Therefore, in State after State, region after region, the slaves have been emancipated, until at last, over the whole country, every slave is emancipated. [Renewed applause.] I would undertake to maintain, before any impartial neutral tribunal in Christendom, the proposition that we have today an adequate military occupation of the whole rebel country, sufficient to effect the emancipation of every slave, by admitted laws of war. Whatever differences of opinion there may have been as to the manner in which the proclamation operated, there is no doubt left as to the result; because we have all the ground the slaves have stood upon within our military occupation.

The slaves are emancipated. In form, this is true. But the public faith stands pledged to them, that they and their posterity forever shall have a complete and perfect freedom. [Prolonged applause.] Not merely our safety; no, the PUBLIC FAITH is pledged that every man, woman and child of them, and their posterity forever, shall have a complete and perfect freedom. [Applause.] Do you mean to "palter with them in a double sense"? Are you willing that the great republic shall cheat these poor negroes, "keeping the word of promise to the ear, and breaking it to the hope"? Then, how shall we secure to them a complete and perfect freedom? The constitution of every slave State is cemented in slavery. Their statute-books are full of slavery. It is the corner-stone of every rebel State. If you allow them to come back at once, without condition, into the exercise of all their State functions, what guarantee have you for the complete freedom of the men you have emancipated. There must, therefore, not merely be an emancipation of the actual, living slaves, but there must be an abolition of the slave system. [Applause.] Every State must have the abolition of slavery in its constitution, or, else we must have the amendment of the Constitution, ratified by three-fourths of the States. Yes, that little railroad-ridden republic, New Jersey, must be shamed into adopting the amendment to the Constitution. [Applause.] New Jersey, whose vote, seventy years ago, alone prevented the adoption of Jefferson's great ordinance, making subsequently acquired territories free, and which now stands alone among the free States against this proposition of amendment—must be shamed into its adoption. [Renewed applause.] Louisiana will adopt it before her; Kentucky, perhaps, may adopt it before her. They may come into the

kingdom, when the children of the kingdom shut themselves out. [Applause.]

But, my fellow-citizens, is that enough? Is it enough that we have emancipation and abolition upon the statute books? In some states of society, I should say yes. In ancient times, when the slaves were of the same race with their masters, when the slaves were poets, orators, scholars, ministers of state, merchants, and the mothers of kings,—if they were emancipated, nature came to their aid, and they reached an equality with their masters. Their children became patricians. But, my friends, this is a slavery of race; it is a slavery which those white people have been taught, for thirty years, is a divine institution. I ask you, has the Southern heart been fired for thirty years for nothing? Have these doctrines been sown, and no fruit reaped? Have they been taught that the negro is not fit for freedom, have they believed that, and are they converted in a day? Besides all that, they look upon the negro as the cause of their defeat and humiliation. I am afraid there is a feeling of hatred toward the negro at the South today which has never existed before?

What are their laws? Why, their laws, many of them, do not allow a free negro to live in their States. When we emancipated the slaves, did we mean they should be banished—is that it? [Voices—"No."] Is that keeping public faith with them? And yet their laws declare so, and may declare it again.

That is not all! By their laws, a black man cannot testify in court; by their laws he cannot hold land; by their laws he cannot vote. Now, we have got to choose between two results. With these four millions of negroes, either you must have four millions of disfranchised, disarmed, untaught, landless, thriftless, non-producing, non-consuming, degraded men, or else you must have four millions of land-holding, industrious, arms-bearing and voting population. [Loud applause.] Choose between these two! Which will you have? It has got to be decided pretty soon, which you will have. The corner-stone of those institutions will not be slavery, in name, but their institutions will be built upon the mud-sills of a debased negro population. Is that public safety? Is it public faith? Are those republican ideas, or republican institutions? Some of these negroes have shed their blood for us upon the public faith. Ah! there are negro parents whose children have fallen in battle; there are children who lost fathers, and wives who lost husbands, in our cause. Our covenant with the freedman is sealed in blood! It bears the image and superscription of the Republic! Their freedom is a tribute which we must pay, not only to Caesar, but to God! [Applause.]

We have a right to require, my friends, that the freedmen of the South shall have the right to hold land. [Applause.] Have we not? We have a right to require that they shall be allowed to testify in the State courts. [Applause.] Have we not? We have a right to demand that they shall bear arms as soldiers in the militia. [Applause.] Have we not? We have a right to demand that there shall be an impartial ballot. [Great applause.]

Now, my friends, let us be frank with one another. On what ground are we going to put our demand for the ballot for freedmen? Some persons may say that they will put it upon the ground that every human being has an absolute and unconditional right to vote. There never was any such doctrine! We do not mean, now, to allow about one half the South to vote. [Applause.] Why not? Why, the public safety does not admit of it. [Applause.] We put the condition of loyalty on every vote. [Applause.] How have we done in this State? Half the people in this State are excluded from the ballot,—the better

half, we are fond of calling them; no woman votes. We prescribe conditions for the men,—whatever conditions society sees fit; conditions of age; conditions of residence; conditions of tax-paying; and lately we have added, by a large popular majority, the further high condition, that they shall have intelligence enough to read and write. [Applause.] Of course there is no such doctrine as that every human being has a right to vote. Society must settle the right to a vote upon this principle—"The greatest good of the greatest number" must decide it. The greatest good of society must decide it. On what ground, then, do we put it? We put it upon the ground that the public safety and the public faith require that there shall be no distinction of color. [Applause.] That is the ground upon which it can stand.

To introduce the free negroes to the voting franchise is a revolution. *If we do not secure that now, in the time of revolution, it can never be secured, except by a new revolution.* [Loud applause.] Do you want, some years hence, to see a new revolution?—the poor, oppressed, degraded black man, bearing patiently his oppression, until he can endure it no longer, rising with arms for his rights—do you want to see that? [Voices "No."] Do you want to see them submit faverly, and *not* rise for their rights? [Voices—"No."] No, neither, you say. Well, my friends, who cry "no," if either of those things happens, it is our fault. If they never get their rights, or get them by a new revolution, it will be, in either event, our fault. Do you wish to have that blame rest upon you? [Voices—"No."] No? Then "Now's the day, and now's the hour." [Loud applause.] They are in a condition of transition; a condition of revolution; seize the opportunity and make it thorough! [Renewed and hearty applause.]

This, then, fellow-citizens, is what we have a right to demand. Now comes my third question—How do you propose to accomplish it? We know our powers, we know what we want to do,—how do we propose to do it? First, the right to bear arms, fortunately, does not depend upon the decision of any State. That is a matter which, under the Constitution, depends upon the acts of Congress. Congress makes the militia, and Congress must see to it that the emancipated slaves have the privilege, the dignity and the power of an arms-bearing population. But the right to acquire a homestead, the right to testify in courts, the right to vote, by the Constitution, depend, not only in spirit but in the letter, upon the State constitutions. The right to vote in national elections depends on State constitutions. What are you going to do about it?

You find the answer in my first proposition. We are in a state of war. We are exercising war powers. We hold each State in the grasp of war until the State does what we have a right to require of her. [Applause.] Do you say this is coercion? Certainly it is. War is coercion, and this is part of the war. We have a military occupation. What is the effect of that? I appeal to the learned in the law of nations; I appeal to an authority that has spoken to you words of wisdom this morning [turning to Prof. Parsons], whether it is not a principle of war that when the conquering party has a military occupation of the country, the political relations of its citizens are suspended thereby? That is true; *suspended*, I do not say *destroyed*.

Let no man say that I overlook the distinction between a civil or domestic war and a war between recognized nations. My duties and studies and thoughts have kept my attention upon that. We have not been putting down an insurrection of professed citizens. We have fought against an empire unlawfully established within the limits of this republic—a completed, *de facto* government, perfected in all

its parts; and if we had not destroyed it by war, it would have remained and stood a completed government. It stood or fell, on the issues of war. Nothing but war has destroyed it.

This *de facto* empire had possession of that whole country. Why, from the Potomac to the Rio Grande, we had not one fort; not one arsenal; not a court house, nor a custom house, nor a light-house, nor a post-office, nor a single magistrate, or a spot on which he could stand. They had forts, arsenals, light-houses, custom-houses, courts, post-offices, magistrates, and were in complete possession. It happened—it *happened*—that those people preserved their State lines—did not obliterate them; but they might have done so. It happened that they did not change their constitutions, but they might have done it. They might have resolved themselves into a consolidated republic, or a monarchy. They did as they chose. Under such circumstances, if the parent government is not strong enough to hold possession of the country, and a hostile, *de facto* government is established upon it, the parent government proportionately loses its claims to allegiance, for the time. Certainly it does—not absolutely, but for the time.

What follows from all this? from a war fought over the continent and over every ocean,—their privateers vexing our commerce at the antipodes; we fighting the battles of the republic in the mouth of the British Channel [applause]; and over this whole vast republic, south of the Potomac and the Ohio,

"Every turf beneath your feet
Has been a soldier's sepulchre."

If such a war leaves this people just as they were before; if no corresponding rights and powers have accrued to us, then I say, it has been the most vast and bloody and cruel nullity that the world ever saw. It is not so. We have a right now and a duty to execute those powers which belong to the condition of war. The political relations of these people to their State governments are suspended. Military occupation exists, and the republic governs them by powers derived from war. You look in vain to the Constitution to point out what shall be done. The war is constitutional; but the consequences, powers and duties, arise out of the *nature of things*. The Constitution may distribute functions, but all the powers which the President or Congress hold, or both, and are exercising, are derived from the condition of war.

I ask, again, how shall we obtain what we have a right to require? The changes we require are changes of their constitutions, are they not? The changes must be fundamental. The people are reunited to their original powers. They must meet in conventions and form constitutions, and these constitutions must be satisfactory to the republic. [Loud applause.]

I desire at this point to say a word with reference to President Johnson and his course, to which I ask your special attention. When President Johnson called the people of North Carolina and one or two other States together, he did not call the blacks as well as the whites to the ballot. That was a question of process, which requires great discretion and wisdom. The President and his Cabinet know a great deal more about the details, and means, and probable results, than we do. I believe President Johnson has the same end in view that we have here today. [Applause.] He has his own mode of reaching it. Some may ask, why did he not ask the blacks to vote? I know nothing, personally, of his reasons; but I can easily see that two embarrassments might well beset him. They occur to us all, at once.

The people of those States are to vote for the purpose of making their organic law. President Johnson holds them by military power. Is it not a very serious thing, in a republican government, to dictate from the cannon's mouth the organic law for a

great people? I do not ask what we have a right to do—that is not the question. The question is what ought we to do? I do not wonder that a man educated in republican principles hesitates to dictate, as military superior, who should vote in determining the organic law of a people. He took the voters as they stood before the war; he put the test of loyalty to them; he took securities against them; he went no further. That we may well suppose was one of his reasons.

We can easily suppose another. Take the whole black population. Shall I say to you, my friends, today, for the first time, that slavery is a benevolent, effective educational system? If I say it, will you believe it? Will you think me sane? Have we not all said, and thought, and fought because we believed that slavery degraded and brutalized its victims? If a man requires us to say that the four millions of slaves have not been debased and brutalized by slavery, he requires us to unsay all we have said and believed and fought for and prayed for, the last thirty years. Slavery has degraded the negroes. It has kept them ignorant and debased. It has not, thank God, destroyed them. The germ of moral and intellectual life has survived; and we mean to see to it that they are built up into a self-governing, voting, intelligent population. [Applause.] They are not that today. They will become so quicker than you think. They do not need half the care nor half the patronage we used to think they did. And the ballot is a part of our educating and elevating process.

There are various courses, all seeming to lead to one point. From these, President Johnson has chosen to make an experimental, tentative trial of one. On a question of means and processes, he has declined to clothe the negroes, by an exercise of military power, with the right to vote. True, he has by military power applied a test of loyalty to the voters. But that is a very mild and a necessary exercise of military power. No man, I believe, questions the necessity and fitness of that act. But it is a far different thing to speak a whole nation of voters into existence—not for temporary, but for permanent and fundamental objects—by a stroke of his pen, or rather, I should say, by the uplifted sword. His rule has not been to interfere as far as he could, but to accomplish his ends with the least possible interference.

One step further. Suppose the States do not do what we require—what then? I have not heard that question answered yet. Suppose President Johnson's experiment in North Carolina and Mississippi fails, and the white men are determined to keep the black men down—what then? Mr. President, I hope we shall never be called upon to answer, practically, that question. It remits us to an ultimate, and, you may say, a fearful preposition. But if we come to it, though I desire to consider myself the humblest of the persons here, I, for one, am prepared with an answer. I believe that if you come to the ultimate right of the thing, the ultimate law of the case, it is this: that this war—no, not the war, the victory in the war—places, not the person, not the life, not the private property of the rebels—they are governed by other considerations and rules—I do not speak of them—but the political systems of the rebel States, at the discretion of the republic. [Great applause]. Secession does not do this. Treason does not do this. The existence of civil war does not do this. It is the necessary result of conquest, with military occupation, in a war of such dimensions, such a character and such consequences as this.

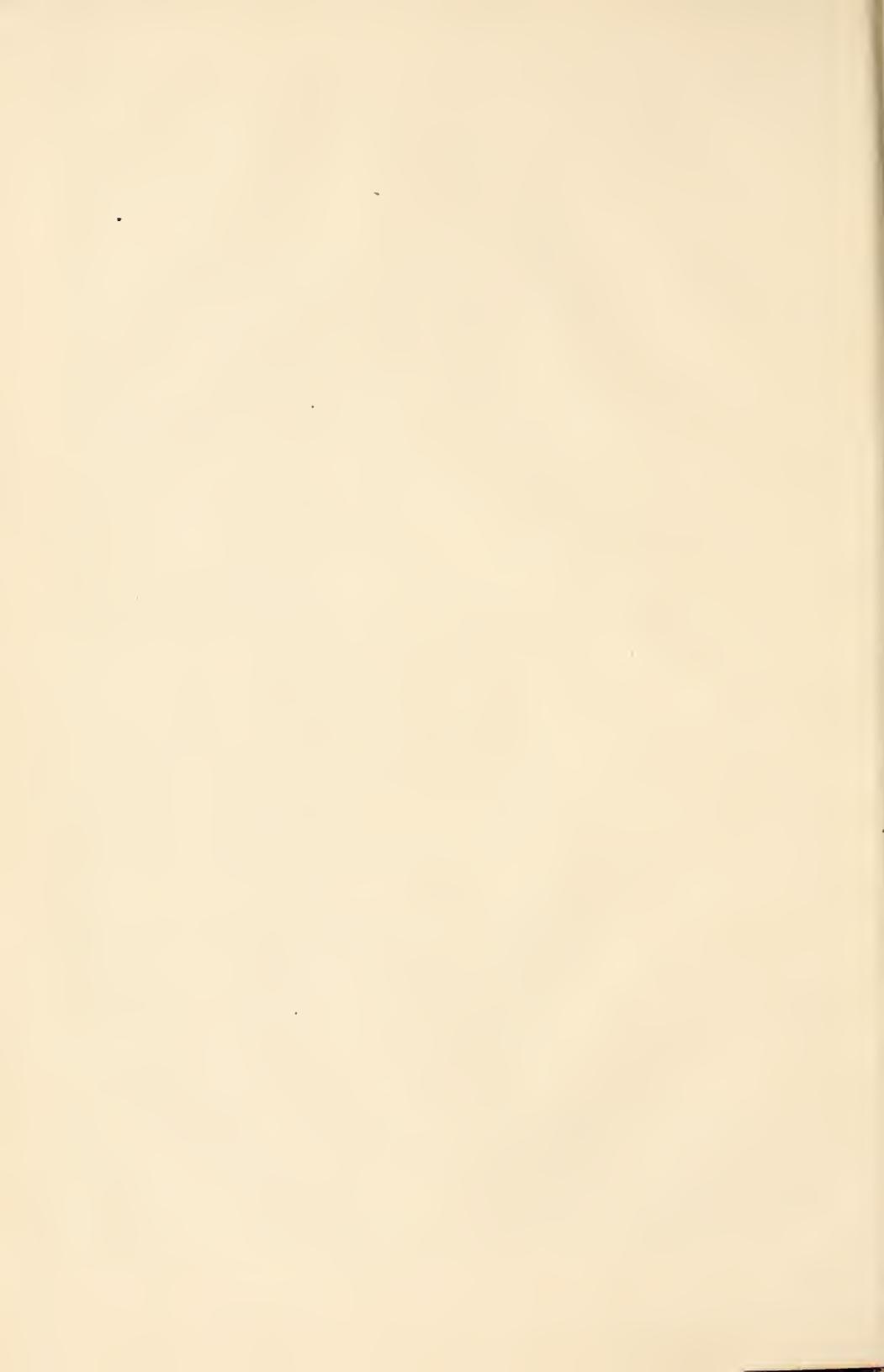
You say that it is a fearful proposition. But, be not alarmed. Most political action is discretionary—all that is fundamental and organic is so. Discretion

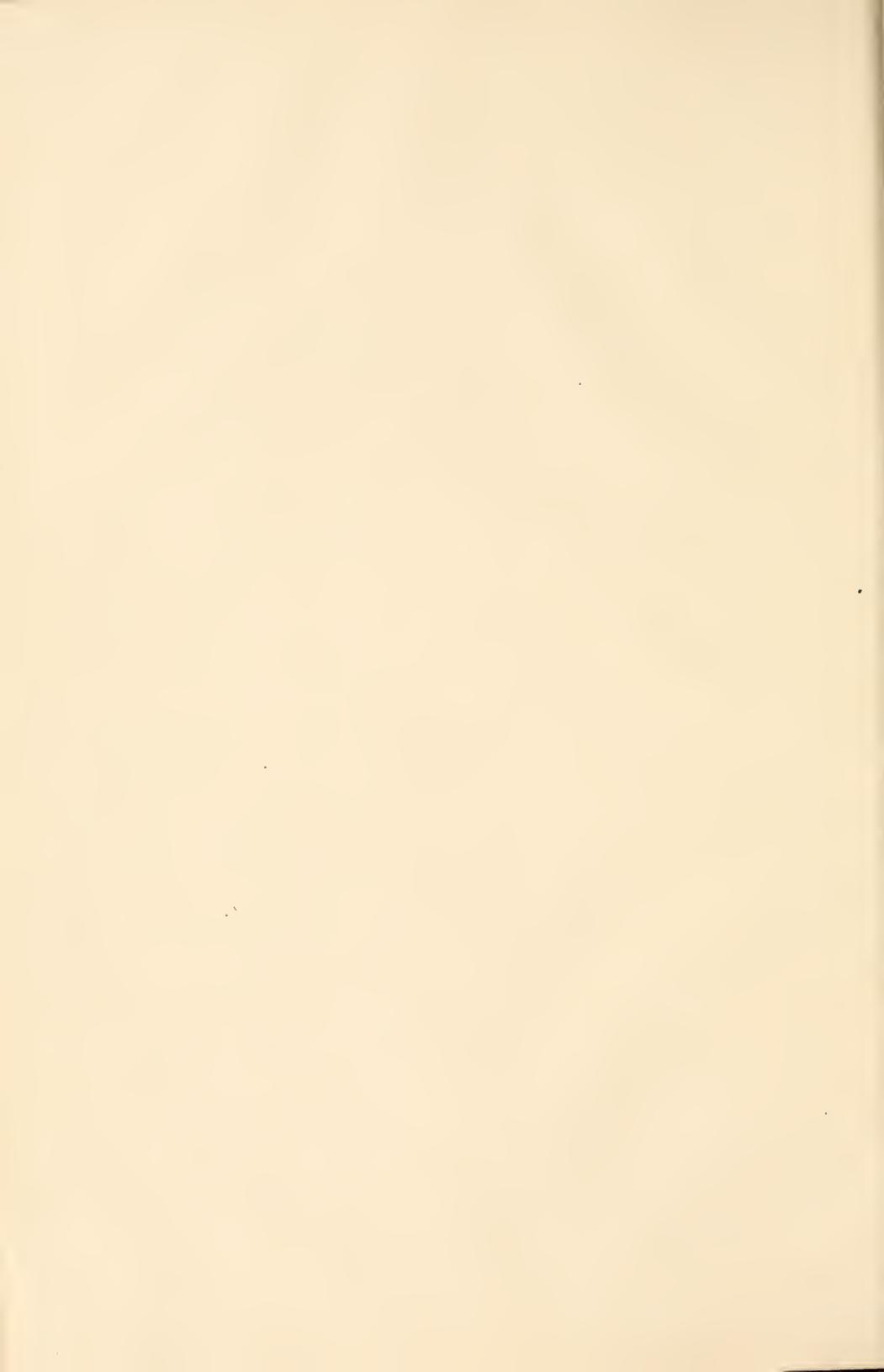
has its laws, and even its necessities. Still, I know it is a fearful proposition. But is not war a fearful fact? If this is a fearful theory, is it not the legitimate fruit of a terrific fact, the war? If they have sown the wind, must they not expect to reap the whirlwind? War, my friends, is an appeal from the force of law, to the law of force. I declare it a proposition that does not admit of doubt in wars between nations, that when a conqueror has obtained military possession of his enemy's country, it is in his discretion whether he shall permit the political institutions to go on, and treat with them, or shall obliterate them and annex the country to his own dominions. That is the law of war between nations. Is it applicable to us? I think it is. [Applause.] I think, if you come to the ultimate right of the thing, we may, if we choose, take the position that *their political institutions are at the discretion of the republic*.

When a man accepts a challenge to a duel, what does he put at stake? He puts his life at stake, does he not? And is it not childish, after the fatal shot is fired, to exclaim, "O, death, and widowhood, and orphanage are fearful things!" They were all involved in that accepted challenge. When a nation allows itself to be at war, or when a people make war, they put at stake their national existence. [Applause.] That result seldom follows, because the nation that is getting the worst of the contest makes its peace in time; because the conquering nation does not always desire to incorporate hostile subjects in its dominions; because neutral nations intervene. The conqueror must choose between two courses—to permit the political institutions, the body politic, to go on, and treat with it, or obliterate it. We have destroyed and obliterated their central government. Its existence was treason. As to their States, we mean to adhere to the first course. We mean to say the States shall remain, with new constitutions, new systems. We do not mean to exercise sovereign civil jurisdiction over them in our Congress. Fellow-citizens, it is not merely out of tenderness to them; it would be the most dangerous possible course for us. Our system is a planetary system; each planet revolving round its orbit, and all round a common sun. This system is held together by a balance of powers—centripetal and centrifugal forces. We have established a wise balance of forces. Let not that balance be destroyed. If we should undertake to exercise sovereign civil jurisdiction over those States, it would be as great a peril to our system as it would be a hardship upon them. We must not, we will not undertake it, except as the last resort of the thinking and the good—as the ultimate final remedy, when all others have failed.

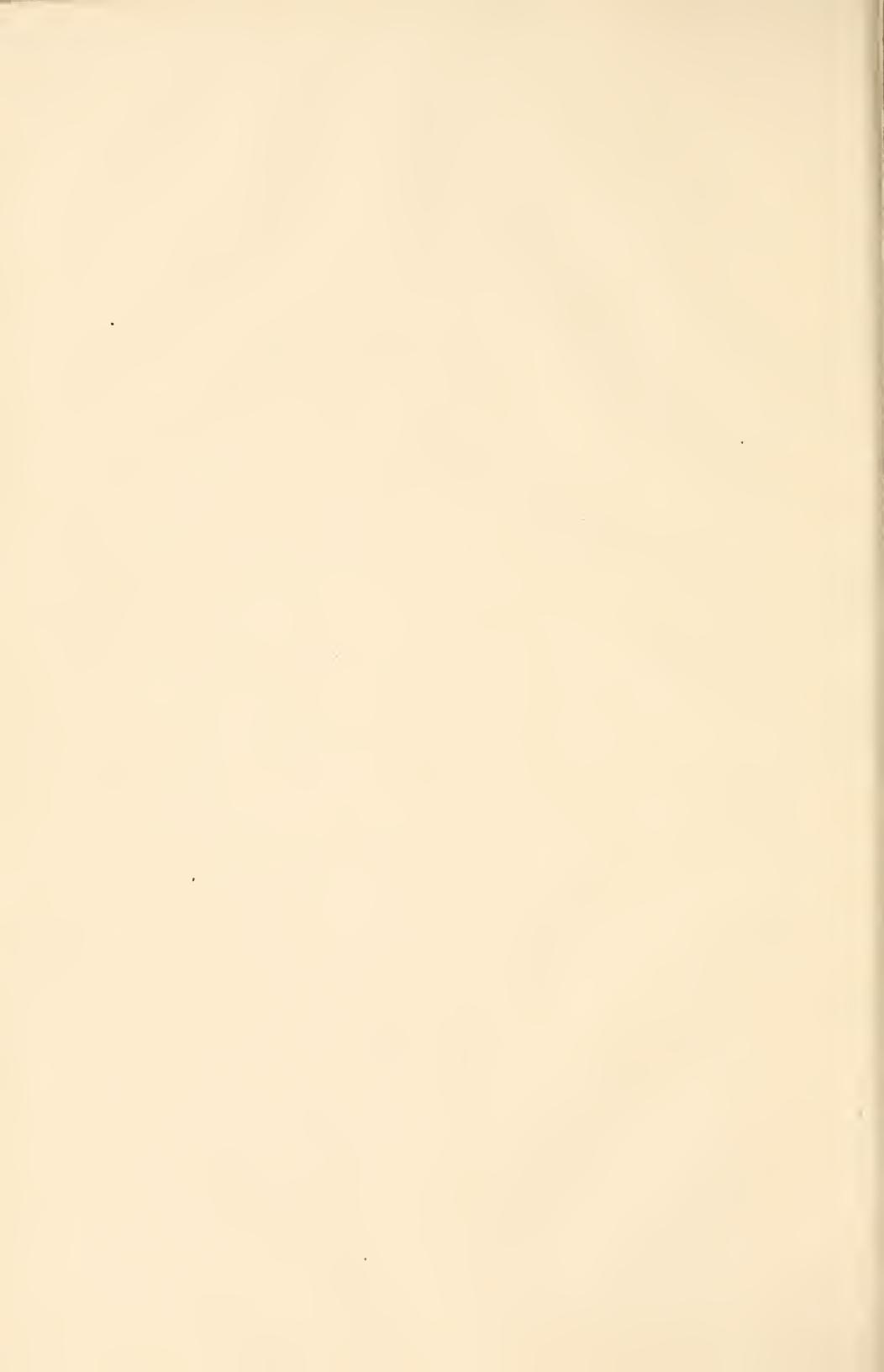
I know, fellow-citizens, it is much more popular to stir up the feelings of a public audience by violent language than it is to repress them; but on this subject we must think wisely. We have never been willing to try the experiment of a consolidated democratic republic. Our system is a system of States, with central power; and in that system is our safety. [Applause.] State rights, I maintain; State sovereignty, we have destroyed. [Applause.] Therefore, although I say that, if we are driven to the last resort, we may adopt this final remedy; yet wisdom, humanity, regard for democratic principles, common discretion, require that we should follow the course we are now following. Let the States make their own constitutions; but the constitutions must be satisfactory to the Republic [applause]; and—ending as I began—by a power which I think is beyond question, the Republic holds them in the grasp of war until they have made such constitutions. [Loud applause.]

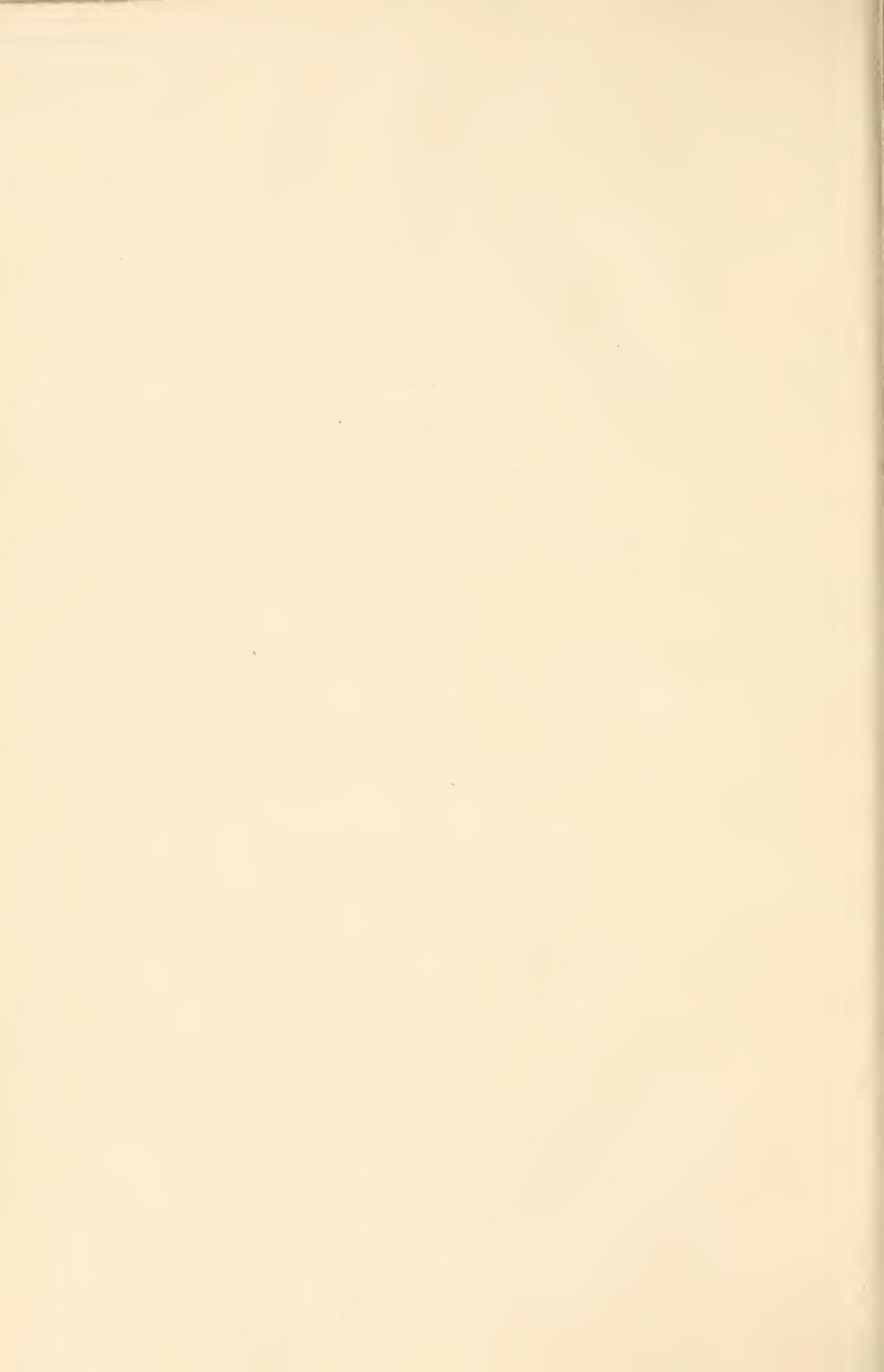






















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